

EXHIBIT P

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

KEVIN SO,

PLAINTIFF,

VS.

LAND BASE, LLC, ET AL.,

DEFENDANTS.

CASE NO. CV 08-3336 DDP (AGRX)

(PAGES 1 – 133 AND 170 - 218)

VOLUME I

DEPOSITION OF KEVIN KONDAS

MARCH 18, 2010

SAMANTHA AVENAIM
CSR 10627
22131

kna

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1 FAUCET.

11:03:58 2 SO IT DEPENDS ON WHAT QUADRANT OF
11:04:01 3 TECHNOLOGY WE WORKED IN. BUT FOR THE MOST PART,
11:04:03 4 WE WERE BACK AND FORTH IN TECHNOLOGY, HE AND I,
11:04:06 5 AND THEN -- THAT'S ALL THERE IS TO SAY.

11:04:08 6 Q. OKAY. AND BETWEEN 1999 AND THE END
11:04:12 7 OF 2005, THE MEMBERS OF K.M. & A. WERE YOURSELF,
11:04:17 8 MS. MELTZER AND MR. MINTON; CORRECT?

11:04:20 9 A. CORRECT.

11:04:20 10 Q. NOBODY ELSE?

11:04:21 11 A. NOBODY ELSE.

11:04:22 12 Q. DID THE MEMBERSHIP EVER CHANGE
11:04:24 13 DURING THE EXISTENCE OF K.M. & A.?

11:04:26 14 A. NO, MA'AM.

11:04:27 15 Q. AND YOU WERE THE MANAGING MEMBER;
11:04:33 16 CORRECT?

11:04:33 17 A. CORRECT.

11:04:34 18 Q. AND YOU AND MR. MINTON SORT OF
11:04:40 19 TRADED OFF IN TERMS OF EVALUATING TECHNOLOGY
11:04:43 20 ORIENTED PROJECTS THAT CAME TO THE ATTENTION OF
21 K.M. & A.?

22 A. YES, MA'AM.

23 Q. AND MS. MELTZER WAS MORE INVOLVED
24 IN FINDING POTENTIAL INVESTORS OR UTILIZING HER
25 SOCIAL NETWORK? I'M TRYING TO UNDERSTAND HER

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1 K.M. & ASSOCIATES INTERNATIONAL.

11:53:50 2 Q. LOOKING AT THE LAST PAGE ON THAT
11:53:53 3 DOCUMENT, IS THAT YOUR SIGNATURE ON THIS PAGE?

11:53:56 4 A. YES, IT IS.

11:53:57 5 Q. DO YOU KNOW WHO DRAFTED THIS
11:54:00 6 DOCUMENT?

11:54:00 7 A. NO, I DO NOT.

11:54:01 8 Q. DID YOU DRAFT THE DOCUMENT?

11:54:02 9 A. NO, I DID NOT.

11:54:03 10 Q. DID ANYONE AT K.M. & A. DRAFT THE
11:54:08 11 DOCUMENT?

11:54:08 12 A. NO.

11:54:08 13 Q. ISN'T IT TRUE THAT KEITH MILLAR
11:54:14 14 HELPED YOU SECURE THIS AGREEMENT WITH LUCY LU AND
11:54:17 15 KEVIN SO IN 2005?

11:54:18 16 MR. THIBODO: OBJECTION; ASKED AND
11:54:20 17 ANSWERED.

11:54:20 18 BY MS. BAKER:

11:54:20 19 Q. YOU CAN RESPOND.

11:54:21 20 A. YES.

21 Q. "YES"?

22 A. YES. PARDON ME.

23 Q. SO IS IT TRUE, AS YOU UNDERSTOOD
24 IT, THAT KEITH MILLAR WAS ACTING ON BEHALF OF
25 K.M. & A. IN 2005?

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1 A. HE NEVER ACTED ON BEHALF OF
11:54:46 2 K.M.A.I.
11:54:48 3 Q. WHY DO YOU SAY THAT?
11:54:50 4 MR. THIBODO: OBJECTION;
11:54:51 5 ARGUMENTATIVE.
11:54:52 6 THE DEPONENT: BECAUSE HE HAS A
11:54:53 7 SEPARATE ENTITY.
11:54:54 8 BY MS. BAKER:
11:54:56 9 Q. ANYTHING ELSE?
11:54:56 10 A. HE IS A SEPARATE ENTITY. PARDON
11:54:59 11 ME.
11:54:59 12 Q. ANYTHING ELSE?
11:55:00 13 A. NO.
11:55:01 14 Q. SO HOW DID MS. LU FIRST FIND HER
11:55:13 15 WAY TO MR. MINTON, IF YOU KNOW?
11:55:15 16 A. I DON'T HAVE A CLUE.
11:55:16 17 Q. DO YOU HAVE ANY IDEA HOW SHE FIRST
11:55:21 18 WAS INTRODUCED TO MR. MILLAR?
11:55:24 19 A. LESS. LESS OF A KNOWLEDGE. I
11:55:26 20 DON'T KNOW.
21 Q. OKAY. HAVE YOU EVER HEARD FROM
22 ANYBODY HOW SHE WAS INTRODUCED TO EITHER OF THEM?
23 A. NO. MILLAR BROUGHT LU AND SO.
24 Q. WHAT DO YOU MEAN MILLAR BROUGHT SU
25 AND LO?

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1 LOS ANGELES, CALIFORNIA, THURSDAY

2 MARCH 18, 2010

3 1:12 P.M.

13:12:39 4
13:12:39 5 THE VIDEOGRAPHER: THE TIME IS NOW

13:12:40 6 1:12, AND WE'RE BACK ON THE RECORD.

13:12:43 7 MS. BAKER: WOULD YOU MARK THIS AS
13:12:45 8 CORPORATE 2 FOR ME, PLEASE.

13:12:53 9 MR. DONOVAN: I THINK WE'RE ON 3.
13:12:55 10 2 WAS THE FUNDING AGREEMENT.

13:12:57 11 MS. BAKER: YOU'RE RIGHT. THANK
13:12:57 12 YOU.

13:12:57 13
13:13:17 14 EXAMINATION (RESUMED)
13:13:17 15 BY MS. BAKER:

13:13:17 16 Q. DR. KONDAS, YOU'VE BEEN HANDED A
13:13:20 17 DOCUMENT THAT'S BEEN MARKED AS CORPORATE NUMBER 3.

13:13:00 18 (WHEREUPON, CORPORATE EXHIBIT NUMBER
13:13:00 19 3 WAS MARKED FOR IDENTIFICATION BY
13:13:00 20 THE DEPOSITION OFFICER AND IS ATTACHED
21 HERETO.)

22 BY MS. BAKER:

23 Q. COULD YOU TURN TO THE NINTH PAGE OF
24 THAT DOCUMENT? YOU'LL SEE NUMBERS AT THE BOTTOM
25 OF THE PAGES.

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1 A. YES.

13:13:29 2 Q. CAN YOU TAKE A LOOK AT THAT

13:13:32 3 DOCUMENT AND TELL ME IF YOU RECOGNIZE WHAT IT IS,
13:13:38 4 PLEASE?

13:13:38 5 A. JUDGING FROM THE TITLE, I BELIEVE
13:13:41 6 THIS IS THE OPERATING AGREEMENT THAT WAS FOR
13:13:46 7 K.M. & A. -- K.M. & ASSOCIATES INTERNATIONAL.

13:13:50 8 Q. AND IF YOU TURN TO THE 15TH PAGE OF
13:13:59 9 CORPORATE 3, DO YOU SEE THE SIGNATURE LINES THERE?

13:14:02 10 A. YES, MA'AM.

13:14:04 11 Q. OKAY. IS THAT YOUR SIGNATURE?

13:14:06 12 A. YES, MA'AM.

13:14:07 13 Q. OKAY. IS THAT MIRA MELTZER'S
13:14:09 14 SIGNATURE?

13:14:09 15 A. IT APPEARS TO BE.

13:14:10 16 Q. OKAY, YOU'VE SEEN HER SIGNATURE
13:14:12 17 BEFORE?

13:14:12 18 A. YES, MA'AM.

13:14:14 19 Q. AND IS THAT BOB -- ROBERT MINTON'S
13:14:15 20 SIGNATURE?

21 A. YES, MA'AM.

22 Q. OKAY.

23 A. I BELIEVE SO.

24 Q. SO YOU'RE FAMILIAR WITH THE
25 SIGNATURES?

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1 A. YES, MA'AM.

13:14:20 2 Q. DO YOU KNOW WHO PREPARED THE
13:14:23 3 OPERATING AGREEMENT FOR K.M. & A.?

13:14:26 4 A. NO, I DO NOT.

13:14:27 5 Q. DO YOU REMEMBER HOW YOU CAME TO
13:14:34 6 SIGN THE DOCUMENT?

13:14:34 7 A. NO, I DO NOT.

13:14:38 8 Q. DO THE PAGES 9 THROUGH 15 OF
13:14:54 9 CORPORATE NUMBER 3 LOOK LIKE THEY'RE ACCURATE
13:14:57 10 COPIES OF THE OPERATING AGREEMENT TO YOU?

13:14:59 11 A. YES, MA'AM, THEY DO.

13:15:04 12 Q. I WANT TO GO BACK TO THE
13:15:36 13 IRREVOCABLE PROJECT FUNDING AGREEMENT, EXHIBIT
13:15:40 14 CORPORATE 2.

13:15:54 15 A. YES, MA'AM.

13:15:54 16 Q. AND YOU TESTIFIED BEFORE THE BREAK
13:15:56 17 THAT YOU DIDN'T -- YOU DON'T REMEMBER WHO GAVE YOU
13:16:00 18 THE DOCUMENT TO SIGN; IS THAT CORRECT?

13:16:01 19 A. THAT'S TRUE.

13:16:02 20 Q. OKAY. AND IS IT POSSIBLE THAT YOU
21 PLAYED A ROLE IN THE CREATION OF THIS DOCUMENT?

22 A. NO, MA'AM.

23 Q. IF YOU GO TO PAGE 3 -- I'M SORRY,
24 IT'S ACTUALLY THE SECOND PAGE, WHICH IS -- IN THE
25 TOP PARAGRAPH, AND I KNOW IT'S -- I APOLOGIZE. I